



May 24, 2004

Terry Tamminen  
Agency Secretary  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

Dear Secretary Tamminen:

As you know, the adoption of the Cal/EPA Advisory Committee Report on Environmental Justice in September 2003 was an historic event in many ways. Most notably:

- The diverse committee representing all interests achieved nearly unanimous agreement on over 100 recommendations
- Over 300 environmental justice, environmental and community organizations and individuals testified in favor of the recommendations and more than 250 community residents from throughout California attended the September 29 hearing
- The Interagency Working Group unanimously endorsed the report and agreed to use it to develop the environmental justice strategy

Environmental Justice communities face challenges of poverty, toxics and pollution, unsafe and unsustainable work conditions, and a lack of safe, affordable housing. Further compounding these conditions are the obstacles of institutionalized racism; the commodification of land, water, energy and air; unresponsive and unaccountable governmental policies and regulation; and the lack of resources and power. The EJ Advisory Committee Report recognizes these conditions and makes practical, effective and far-reaching recommendations to alleviate them.

We applaud your efforts to implement the recommendations in the Report on Environmental Justice and our organizations pledge to work with you to make these ambitious goals a reality that improves the quality of life in impacted California communities.

Our organizations support the dual pathway approach you have proposed. Environmental justice communities have waited too long for action to address the often life-threatening issues that affect our residents. While we recognize that broad

institutional change takes time, we believe that there are many actions that can be taken now. The EJ Action Plan provides that opportunity.

Our recommendations and feedback regarding each section are:

1. **Cal/EPA Precautionary Applications:** We believe the highest level of attention should be given to this area as it alone has the potential to reframe the current regulatory approach of pollution control based on risk assessment. The actions described in the Draft EJ Action Plan however, are too vague. We would support the same approach described in the Cumulative Impacts section which promotes a community-based pilot project approach that seeks and implements reasonable, cost-effective, and practical application of the precautionary approach in impacted communities. We recommend that the Precautionary Applications Workgroup (PAW) convene to select multiple projects in various communities to be implemented during 2005. Based on the outcome of these projects and others being implemented by municipalities, industries and others, the PAW should develop policy recommendations during its second year – 2006.
2. **Cumulative Health Impacts Reduction:** We support this recommendation and believe that it, coupled with the precautionary approach, will have far-reaching effects to improve health and the environment. We recommend, however, that Cal/EPA exercise extreme caution in the activities related to finalizing the definition developed by the EJ Advisory Committee. That definition describes cumulative impacts as: "the total burden of all emissions and discharges in a geographical area" and recognizes that action should not be delayed until a definitive calculation of risk or health consequences are known. Development of a definition is an enormous and nearly impossible task and acquiescing to those who would delay action in the supposed quest for scientific certainty would frustrate and deny the environmental justice goals we all support.
3. **Public Participation, Community Capacity Building and Communication:** We support the efforts described in this section and believe strongly that more community and public participation will often result in more effective and appropriate resolution of many environmental justice issues.
4. **Integrate EJ Into the Environmental Action Plan:** Environmental Justice should be incorporated into all aspects of the Governor's Environmental Action Plan and we support those activities described in this section. In particular, nearly every urban environmental justice community is struggling with tremendous increases in diesel truck traffic. This issue requires both state guidance and local involvement to develop a sensible solution. These communities are also striving to solve decades old land use practices that locate polluting facilities and schools and homes together. While land use is, and should remain, a local government function, Cal/EPA and its BDOs can provide guidance and direction which many of them lack.

· Again, our organizations are prepared to work with you and the BDOs to accomplish the recommendations in the action plan. We look forward to continuing our EJ Toxic Tours with you and appreciate your attention to these critical issues.

Sincerely,

Ada Chan, Executive Director  
Asian Pacific Environmental Network

Antonio Diaz, Executive Director  
People Organizing to Demand Environmental & Economic Rights

Yuki Kidokoro, Interim Executive Director  
Communities for a Better Environment

Penny Newman, Executive Director  
Center for Community Action and Environmental Justice

Ted Smith, Executive Director  
Silicon Valley Toxics Coalition

Diane Takvorian, Executive Director  
Environmental Health Coalition